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DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

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Control 8817

Rec'd September 26, 1947
9:51 p.m.

FROM: Rome

TO : Secretary of State

NO : 2961, September 26, 6 p.m.

Commercial treaty No. 6. With reference to Paragraph Four of MYTEL 2863, September 20.

Italians insist modification or interpretation of Article One necessary to remove any doubt as to their right to enforce internal police regulations relating to sojourn of foreigners. Existing regulations are not onerous. Consular visa constitutes permit to remain in Italy for specified time for specified purpose. Aliens are registered upon entering country. Within three days after entry, an alien is required to apply to police in locality of his residence for a carta di soggiorno. This is a declaration of arrival and evidence of compliance with regulations, which must be shown to police upon request. Similar declaration must be made upon removal from one commune to another. Hotelkeepers and others with whom aliens reside must report facts to police within five days. Local police authorities may extend for short periods of time American sojourn stated in visa, but lengthy extensions and changes of purpose of sojourn require action by Ministry of Interior. For reasons of public order, aliens may be expelled from country by ministerial decree, and, for same reason, provincial prefects may require foreigners to leave frontier provinces. Prefects may also require foreigners to leave localities important from standpoint of military defense.

Embassy representative pointed out that rule of Paragraph One, Article One, would permit some distinction in treatment as between nationals and foreigners. Italians say, however, that they do not wish to commit themselves to accord especially favorable treatment to Americans for fear of providing basis for claim by unfriendly governments for same treatment under MFN clause, thus permitting infiltration of groups dangerous to state. Solution

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Solution proposed by Italians is to add to protocol or minutes interpretation of term "statutes relating to immigration" to include police regulations on sojourn of foreigners. This would appear to make treaty useless as brake upon enforcement of drastic regulations by some less liberal future regime.

Embassy suggests that it be authorized to submit to Italians one of following proposals:

One. Amend Paragraph One, Article One, along lines of Paragraph One, Article Two, proposed treaty with China, as follows: the nationals of either HCP shall be permitted, subject to the provisions of Paragraph Four of this Article, to enter the territories of the other HCP, and shall be permitted to reside, travel, and carry on trade throughout such territories. In the enjoyment of the right to reside and travel the nationals of either HCP shall be subject to the applicable laws and regulations, provided that they shall not be subject to unreasonable interference.

Two. Insert the following provision in protocol: the provisions of Article One, Paragraph One, shall not be deemed to affect the right of either HCP to enforce laws and regulations prescribing reasonable requirements concerning the registration of aliens and their sojourn within its territories.

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